UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN 11 AM 10: 33

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Docket No. '08 MJ 1819
v.	COMPLAINT FOR VIOLATION OF:
Ignacio RESENDIZ-Gudino, Defendant	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **June 9, 2008** within the Southern District of California, defendant, **Ignacio RESENDIZ-Gudino,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th DAY OF JUNE, 2008

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Ignacio RESENDIZ-Gudino

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PROBABLE CAUSE STATEMENT

On June 9, 2008, at approximately 8:30 p.m., Border Patrol Agent Barber was informed by the Infrared Scope Operator, of a group of five individuals running north near the area known as "Wild Bill's." Agent Barber was accompanied by his service K-9 Bentley. This area is approximately four miles east of the Otay Mesa, California Port of Entry.

Upon arriving in the area Agent Barber observed the group. Agent Barber along with his K-9 Bentley began a foot pursuit of the individuals. Shortly after the pursuit Agent Barber tripped, fell and lost leash control of his K-9. Agent Barber quickly recovered and resumed pursuing the five individuals. K-9 Bentley continued the pursuit and encountered the five individuals, Agent Barber yelled verbal commands for the individuals to stop and sit down. At this point, Agent Barber witnessed one individual, later identified as the defendant **Ignacio RESENDIZ-Gudino**, pick up a large stick and strike K-9 Bentley across the ribs with the stick. After being struck, K-9 Bentley ran back to Agent Barber's position and the group attempted to run away.

Border Patrol Agent Bounaouar was notified of the group's location and pursued the group uphill and intercepted them. Agent Bounaouar identified himself as a Border Patrol Agent and order the group to stop. All of the individuals in the group obeyed his commands except the defendant who continued running. After a brief foot pursuit, Agent Bounaouar caught up to the defendant and ordered him to sit down. Agent Bounaouar again identified himself as a Border Patrol Agent and conducted an immigration interview. The defendant and the other four individuals admitted to being citizens and nationals of Mexico without any documents allowing them to legally enter or remain in the United States. All five individuals were arrested and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 26, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed

The defendant was advised of his Miranda rights, which he stated he understood his rights and was willing to answer questions without having an attorney present. The defendant again admitted to being a citizen and national of Mexico and that he was ordered removed from the United States by an immigration judge and has not asked for permission to enter into the United States after being removed. The defendant stated that he wanted to go to Oregon.